

carriers, mitigate safety risks, and evaluate the merits of the program in their State. As part of the implementation plan, each State would accept responsibility for monitoring the performance of the motor carriers it determines to be eligible and for enforcing the conditions it imposes.

The proposed implementation plan requirements meet the conditions imposed by the NHS Act, in that States would be required to ensure a level of safety for home heating oil deliveries equal to or greater than the level of safety resulting from compliance with the current 60-hour and 70-hour rules. The States would also be required to monitor the safety of home heating oil deliveries while participating in the program. The FHWA welcomes any comments on the appropriateness, suitability, or burden of these requirements.

#### VI. Motor Carrier Eligibility

To be eligible for participation, a motor carrier would have to be actively engaged in making intrastate deliveries of home heating oil within a 100 air-mile radius of a central terminal or distribution point. Additionally, a motor carrier could not have a current safety rating of "Unsatisfactory" assigned by the FHWA, or a State-assigned equivalent rating. Participating States would be allowed to establish any additional criteria for participation.

#### VII. Final Evaluation of the Program

The NHS Act requires the FHWA to conduct an evaluation at the conclusion of the program. The principal objective of the evaluation is to provide input to a zero-based review of the need for, and the cost and benefits of, the hours-of-service regulations as they apply to home heating oil delivery operations during the winter months. The NHS Act requires the FHWA to initiate rulemaking to determine, based in part upon the results of the program, whether to continue State-granted waivers of the hours-of-service regulations to motor carriers transporting home heating oil during the winter months, or to amend the hours-of-service regulations to provide flexibility to motor carriers delivering home heating oil during winter periods of peak demand.

#### VIII. Conclusion

After the FHWA reviews the timely comments to this Notice, it will publish a Notice of Final Determination finalizing all aspects of this Project. (23 U.S.C. 315; 49 CFR 1.48)

Issued on: September 25, 1996.  
Rodney E. Slater,  
*Federal Highway Administrator.*  
[FR Doc. 96-25183 Filed 10-1-96; 8:45 am]  
BILLING CODE 4910-22-P

### Federal Railroad Administration

#### Petition for Waivers of Compliance

In accordance with 49 CFR Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the Federal safety laws and regulations. The petition is described below, including the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Florida East Coast Railway  
FRA Docket Number RSRM-96-1

The Florida East Coast Railway (FEC) seeks a waiver of compliance from 49 CFR Part 221—Rear End Marking Device—Passenger, Commuter and Freight Trains. The FEC is requesting a waiver of compliance to continue to operate trains if the rear end marking device becomes defective enroute, past West Palm Beach and Ft. Lauderdale, Florida. The stopping of trains at West Palm Beach blocks several public road crossings and is considered a dangerous area. FEC feels that time sensitive southbound trains that have an inoperative rear end marking device approaching Ft. Lauderdale should continue to Ft. Pierce, Florida. Ft. Lauderdale is a busy intermodal facility with road crossings at each end which prohibit a train movement, requiring the crew member to walk the entire length of the train.

All defective rear end marking devices would be changed at Ft. Pierce, Florida which is 57 miles north of West Palm Beach and 12½ miles south of Ft. Lauderdale.

Title 49 CFR 221.17 "Movement of Defective Equipment" states in part: (a) Whenever the marking device prescribed in this part becomes inoperative enroute, the train may be moved to the next forward location at where repairs can be made or replaced.

FEC operates 360.7 miles of freight railroad between Jacksonville and Miami, Florida. FEC maintains an Automatic Train Control (ATC) signal system that reduces the possibility for train collisions.

Interested parties are invited to participate in these proceedings by submitting written reviews, data, or

comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number—RSRM-96-1, and must be submitted in triplicate to the Docket Clerk, Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 30 days from the publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at FRA's temporary relocation at 1120 Vermont Avenue NW., room 7051, Washington, DC 20005.

Issued in Washington, DC on September 27, 1996.  
Phil Olekszyk,  
*Acting Associate Administrator for Safety.*  
[FR Doc. 96-25239 Filed 10-1-96; 8:45 am]  
BILLING CODE 4910-06-P

### Surface Transportation Board<sup>1</sup>

[STB No. MC-F-20900]

#### Antelope Valley Bus, Inc.—Control—Desert Stage Lines, Inc.

**AGENCY:** Surface Transportation Board.  
**ACTION:** Notice tentatively approving finance transaction.

**SUMMARY:** Antelope Valley Bus, Inc. (Antelope), has filed an application under 49 U.S.C. 14303 to acquire control of Desert Stage Lines, Inc. (Desert). Persons wishing to oppose the application must follow the rules under 49 CFR part 1182, subpart B. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

<sup>1</sup> The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 14303.